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Attorney for Plaintiff
 MICHAEL A. HARTSELL

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 (Hon. Larry A. Burns)

MICHAEL A. HARTSELL,
 Plaintiff,

v.

COUNTY OF SAN DIEGO;
 SAN DIEGO COUNTY DEPUTY
 SHERIFF TRENTON STROH;
 DOES 1-15,
 Defendants.

Case No. 16-cv-1094-LAB (LL)

PLAINTIFF'S REQUEST FOR
 JUDICIAL NOTICE

HEARING DATE: 9/23/20 @ 11:30 am
 TRIAL DATE: 9/28/20 @ 1 pm
 COURTROOM: 14A

COMES NOW Plaintiff, by and through his attorney of record, KEITH H. RUTMAN, and hereby moves the Court to take judicial notice of the following items:

1. The path of the sun as demonstrated on Plaintiff's Exhibit 29c;
2. Utilizing the "Measure Distance" function of Google Maps (attached as Trial Exhibit 4a-b), it is approximately 510 feet/170 yards from HARTSELL's rear bedroom door to the spot where he was located, as the crow flies; and
3. "backlighting" is the process of illuminating the subject from the back. This effect creates a glowing effect on the edges of the subject, while other areas are darker. See [https://en.wikipedia.org/wiki/Backlighting_\(lighting_design\)](https://en.wikipedia.org/wiki/Backlighting_(lighting_design)) and <https://www.dictionary.com/browse/backlighting>

Judicial notice may be taken of adjudicative facts that are not subject to reasonable dispute because they are either generally known or can be accurately and

1 readily determined. Where a party requests such notice and supplies the court with the
2 necessary information, the court must take notice (and instruct the jury accordingly.)
3 The court may notice eligible facts on its own motion as well. FRE 201(c); Oliver v.
4 Hallett Const. Co., 421 F.2d 365, 367 (8th Cir. 1970)(Judicial notice would be taken of
5 fact that on Oct. 7, 1966, at Little Rock, Arkansas, sundown was at 5:45 P.M. Central
6 Standard Time); U.S. Internal Revenue Service v. Gibbs, 233 F.Supp. 934, 935 (W.D.
7 Pa.1964)(Judicial notice would be taken of the records of the United States Department
8 of Commerce Weather Bureau representing the time of sunset on a certain date.).

9 Respectfully Submitted,

10 Dated: September 8, 2020

s/ Keith H. Rutman
KEITH H. RUTMAN
Attorney for Plaintiff
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